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C O N F I D E N T I A L SECTION 01 OF 03 CAIRO 06360

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TAGS: [PGOV](#) [SOCI](#) [SHUM](#) [EG](#)
SUBJECT: GROWING DEBATE ON SHARIA LAW

REF: CAIRO 5284

11. (CONFIDENTIAL - ENTIRE TEXT.)

12. BEGIN SUMMARY. MOMENTUM IS BEGINNING TO BUILD TOWARD A MAY DEBATE IN THE PEOPLES ASSEMBLY ON ISLAMIC SHARIA (KORANIC LAW). IN RECENT DAYS, KEY OPPOSITION FIGURES FUAD SIRAJ AL-DIN (CHAIRMAN OF THE NEW WAFD PARTY) AND OMAR TALMASSANI (GENERAL GUIDE OF THE MUSLIM BROTHERHOOD) APPEARED BEFORE THE ASSEMBLY'S RELIGIOUS AFFAIRS COMMITTEE TO EXPRESS SUPPORT FOR PURGING OF EXISTING LEGISLATION NOT IN ACCORDANCE WITH SHARIA. THE SPEAKER OF THE ASSEMBLY, RIFAAT EL MAHGOUB, WHILE SUPPORTING THE OVERALL OBJECTIVE, LEFT DELIBERATELY VAGUE THE TIMING AND EXTENT OF THE PURGE. THE ADVOCATES DOUBTLESS KNOW THE PROCESS OF IMPLEMENTING "FULL SHARIA" WILL BE PROTRACTED; INDEED, MUBARAK IS PERCEIVED AS UNCOMPROMISING IN OPPOSITION TO "THE FULL IMPLEMENTATION OF SHARIA." IN ADVANCE OF THE MAY DEBATE PUBLIC DISCUSSION OF, AND MANEUVERING ABOUT, SHARIA ISSUES IS ALREADY UNDERWAY. END SUMMARY.

13. WE RECENTLY REPORTED AT LENGTH ON MUBARAK'S EVOLVING DEMOCRACY -- SEE CAIRO 5284. THE EGYPTIAN PUBLIC IN THE LAST FEW DAYS HAS WITNESSED A REMARKABLE DEMONSTRATION OF THIS DEMOCRACY IN ACTION, AS WAFD PARTY CHAIRMAN FUAD SIRAJ AL-DIN AND MUSLIM BROTHERHOOD GENERAL GUIDE OMAR TALMASSANI BOTH ATTENDED HEARINGS OF THE PEOPLES ASSEMBLY RELIGIOUS AFFAIRS COMMITTEE. THEIR ATTENDANCE, PROMINENTLY REPORTED ON TELEVISION AND IN THE PRESS, WAS A SIGNAL OF RECONCILIATION BETWEEN THE GOVERNMENT AND TWO OF THE CHIEF FOES OF FORMER PRESIDENTS NASSER AND SADAT.

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14. THE RELIGIOUS AFFAIRS COMMITTEE HEARINGS, ALSO ATTENDED BY SPEAKER RIFAAT EL MAHGOUB, A NUMBER OF AL-AZHAR SHEIKHS, AND OTHER ISLAMIC EXPERTS, ARE IN PREPARATION FOR A MAY ASSEMBLY DEBATE ON SHARIA (KORANIC) LAW. MAHGOUB MADE CLEAR THE GOVERNMENT'S SUPPORT FOR "PURGING" EXISTING LEGISLATION OF PROVISIONS IN CONFLICT WITH SHARIA, AND HE WAS ECHOED BY SIRAJ AL-DIN, TALMASSANI, AND OTHER OPPOSITION PARTY FIGURES. THE SPEAKER, HOWEVER, WAS DELIBERATELY AMBIGUOUS ABOUT THE TIMING AND SPEED OF THE PURGE, AS WELL AS ABOUT HOW FAR IT WOULD GO IN CHANGING THE MYRIAD LAWS ON THE EGYPTIAN BOOKS. THE EXCHANGES GAVE THE PUBLIC A TASTE OF MORE TO COME IN THE DEMOCRATIC PROCESS, EGYPTIAN STYLE, WHEREIN ALL SIDES CAN ADDRESS MAJOR ISLAMIC ISSUES LONG UNRESOLVED, BUT WITHOUT ANY CONCRETE RESULT LIKELY -- AT LEAST

IMMEDIATELY.

15. KEY QUESTIONS ARE OF MAJOR IMPORTANCE TO EGYPTIAN SOCIETY -- THE TREATMENT OF THE COPTIC CHRISTIAN MINORITY IF SHARIA LAW IS FULLY IMPLEMENTED; POSSIBLE CHANGES IN THE STATUS OF WOMEN; THE IMPACT OF ABOLITION OF BANKING INTEREST ON THE ECONOMY; THE EFFECTS ON TOURISM OF BANNING ALCOHOL; WESTERN REACTION TO THE ADOPTION OF ISLAMIC PUNISHMENTS SUCH AS AMPUTATION, FLOGGING, AND STONING (EVEN IF SPARINGLY APPLIED). FEW OBSERVERS EXPECT THESE DIFFICULT ISSUES UNDERLYING THE SHARIA DEBATE TO BE RESOLVED IN THE ASSEMBLY DISCUSSIONS IN MAY. THOUGH THEY CANNOT SAY SO PUBLICLY, OPPOSITION FIGURES LIKE SIRAJ AL-DIN AND TALMASSANI ACKNOWLEDGE PRIVATELY THAT THE SHARIA DEBATE WILL ONLY BE THE BEGINNING OF A LONG UNCERTAIN PROCESS. INDEED, NATIONAL DEMOCRATIC PARTY AND OPPOSITION OBSERVERS BELIEVE THAT MUBARAK WILL NOT COMPROMISE IN HIS OPPOSITION TO "THE FULL IMPLEMENTATION OF SHARIA," BECAUSE THE SOCIAL, SECTARIAN, AND INTERNATIONAL COSTS ARE TOO HIGH. WHAT MARGINAL COMPROMISES, IF ANY, HE MAY CONCEDE

16. MEANWHILE, HAPPENINGS ON OTHER FRONTS ARE BOTH PROVOKING AND REINFORCING PUBLIC DISCUSSION OF ISLAMIC SHARIA ISSUES. HANDLING OF SUCH DISPARATE SUBJECTS AS OPPOSITION POLITICAL ALLIANCES, PUNISHMENT OF RAPE, AND WOMEN'S RIGHTS INCREASINGLY FEED THE DEBATE. TO WIT:

-- ONE OF THE STRONGEST PROPONENTS OF SHARIA, SHEIKH SALAH ABU ISMAIL, WAS HASTILY EXPELLED FROM THE NEW WAFD OPPOSITION PARTY AFTER CRITICIZING SIRAJ AL-DIN FOR NOT PUSHING SHARIA HARD ENOUGH. MUSLIM BROTHERHOOD GUIDE TALMASSANI TURNED HIS BACK ON THE OUTSPOKEN SHEIKH AND HAS MAINTAINED THE MB'S ALLIANCE WITH THE WAFD. TALMASSANI OBSERVED TO POLCOUNS AND POLOFF MARCH 5 THAT THE SHEIKH SOMETIMES SPEAKS OUT BEFORE HE CONSIDERS ALL THE CONSEQUENCES; SHEIKH SALAH WAS NOW IN THE PROCESS OF MAKING PEACE WITH THE WAFD (THOUGH NOTHING WAS SAID ABOUT HIS BEING RETURNED TO THE PARTY).

-- SHARIA PROPONENTS HAVE BEEN LOUDLY CALLING FOR THE EXECUTION OF OFFENDERS IN SEVERAL NOTORIOUS KIDNAP/RAPE INCIDENTS IN RECENT WEEKS. THE OPPOSITION PRESS IS GIVING FULL PUBLICITY TO THIS EVIDENCE OF EROSION IN TRADITIONAL EGYPTIAN SOCIAL MORES. PUBLIC FEELING IS RUNNING HIGH IN CAIRO, AMIDST CHARGES THAT OFFENDERS HAVE BEEN GIVEN SOFT TREATMENT IN THE COURTS. SOME CRITICS, IN THEIR ENTHUSIASM FOR SEVERE "ISLAMIC" PUNISHMENT OVERLOOK THE FACT THAT EXECUTION FOR KIDNAP/RAPE IS POSSIBLE WITHIN THE PRESENT LEGAL CODE. (MANY ALSO ARE NOW SAYING THAT AMERICAN-MADE TV FILMS ABOUT VIOLENCE AND CRIME AVAILABLE ON EGYPTIAN TELEVISION ARE CORRUPTING THE YOUTH.)

-- THE MINISTER OF AWQAF (ISLAMIC ENDOWMENTS) AND THE CHAIRMAN OF THE ASSEMBLY'S COMPLAINTS COMMITTEE HAVE GONE PUBLIC WITH DEMANDS TO AMEND THE LAW OF PERSONAL STATUS -- SO THAT SHARIA PROVISIONS REGARDING DIVORCE AND PROPERTY WOULD AGAIN BE ENFORCED. THE LAW, PASSED UNDER THE LATE PRESIDENT SADAT AND INFORMALLY NAMED THE "JEHAN LAW" AFTER HIS WIFE, GAVE THE WIFE THE RIGHT FOR THE FIRST TIME TO INITIATE DIVORCE IF HER HUSBAND MARRIED A SECOND WIFE; THE LAW ALSO GAVE A DIVORCED WIFE FIRST RIGHTS TO THE HOUSEHOLD UNTIL SHE IS PROVIDED EQUIVALENT QUARTERS. TODAY, IMPORTANT SHEIKHS, WHO IN 1979 TRIMMED THEIR INTERPRETATIONS TO SUIT "WOMEN'S RIGHTS" PUSHED BY SADAT AND HIS WIFE, HAVE BEGUN TACKLING TOWARD A MORE LITERAL INTERPRETATION OF SHARIA.

17. AGAINST THE BACKDROP OF GROWING SHARIA DISCUSSIONS, THE STATE AUTHORITIES IN RECENT WEEKS HAVE BEEN ACTIVE AGAINST FRINGE ELEMENTS OF THE POLITICO-RELIGIOUS SPECTRUM.

-- AT CAIRO'S AL-NUR MOSQUE, A MAGNET FOR ISLAMIC HARD-LINERS IN THE CAPITAL, RELIGIOUS EXTREMISTS (SOME FROM AL-JIHAD, SOME FOR AL-HIDAIYA AL-ISLAMIYA) HAVE BEEN PICKED UP ON THREE SUCCESSIVE WEEKENDS FOLLOWING FRIDAY

PRAYERS -- FOR DISTRIBUTING LEAFLETS WHOSE CONTENTS HAVE NOT BEEN REPORTED. NO CHARGES HAVE BEEN PLACED, AND THE DETAINEES RELEASED UPON PAYMENT OF TOKEN FINES. SIMILAR ACTIONS HAVE BEEN REPORTED (BUT NOT DETAILED) IN THE UNIVERSITY TOWNS OF MINYA AND ASSIUT AGAINST FORMER DEFENDANTS FREED LAST OCTOBER IN THE PROLONGED TRIAL OF THOSE CHARGED IN THE ARMED REVOLT FOLLOWING SADAT'S 1981 ASSASSINATION. (BEHIND THE SCENES THE MINISTRY OF AWQAF SEEMS TO BE STRUGGLING TO EXERCISE SUPERVISION OVER AL-NUR, WHOSE LEADING SHEIKH IS STILL DENIED THE PULPIT. IN THE LATTER SADAT YEARS, AL-NUR MOSQUE DREW UP TO THIRTY THOUSAND WORSHIPPERS ON FRIDAYS TO LISTEN TO ANTI-SADAT SERMONS.)

-- IN ALEXANDRIA, A "CRAZY DOCTOR" WAS ARRESTED ALONG WITH 30 OR SO FOLLOWERS; HE CLAIMED TO BE THE PROPHET MOHAMED, AND HAPPENED TO HAVE ONE MILLION DOLLARS PLUS IN HIS BANK ACCOUNT. NO CHARGES HAVE YET BEEN FILED.

-- IN LATE FEBRUARY, SOME 40 BAHAIS WERE ARRESTED FOR VIOLATING A 1960 NASSER DECREE (STILL IN EFFECT) OUTLAWING BAHAI ACTIVITIES IN EGYPT. AN AL-AZHAR UNDERSECRETARY SENT DOCUMENTS TO THE STATE SECURITY PROSECUTOR SHOWING THAT THE BAHAIS HAVE ALWAYS BEEN CONSIDERED "APOSTATES" FROM ISLAM. (THE BAHAIS HAVE SUBSEQUENTLY BEEN RELEASED WITHOUT CHARGES AND ARE PRESENTLY REMAINING IN THEIR HOMES. SEE CAIRO 06100.)

-- ON FEBRUARY 26 TALMASSANI WAS SUDDENTLY (AND WITHOUT EXPLANATION) FORBIDDEN ACCESS TO CAIRO UNIVERSITY. HE HAD BEEN SCHEDULED TO ADDRESS A MEETING AT THE COMMERCE COLLEGE, AT THE INVITATION OF THE STUDENT COUNCIL. PERMISSION WAS IN WRITING, AND STAMPED BY THE VICE CHANCELLOR'S OFFICE. HOWEVER, HE TOLD POLCOUNS AT 9:30 ON THE MORNING OF THE SPEECH, HE WAS NOTIFIED THAT THE PERMISSION HAD BEEN WITHDRAWN. THE STUDENT DEMONSTRATION FOLLOWED (SEE CAIRO 5919). TALMASSANI CRITICIZED THE DECISION TO US, NOTING THAT THE STUDENT COUNCIL HAD A "MODERATE" ISLAMIC MAJORITY (SUPPORTED BY MUSLIM BROTHERHOOD) AND THAT HIS APPEARANCE WOULD HAVE PACIFIED - NOT INCITED - THE STUDENTS.

18. COMMENT: THESE MOVES REPRESENT THE GOVERNMENT'S POLISHING OF ITS OWN ISLAMIC CREDENTIALS (IN THE CASES OF THE BAHAIS AND ALEXANDRIA'S DERANGED PROPHET), AND SETTING LIMITS FOR ACCEPTABLE POLITICAL/RELIGIOUS BEHAVIOR (IN THE CASE OF AL-NUR MOSQUE AND THE BANNING OF TALMASSANI'S UNIVERSITY SPEECH.) AS FOR THE INCIPIENT DEBATE IN THE ASSEMBLY AND PRESS ON SHARIA, IT IS AT THIS STAGE MORE SHADOW THAN SUBSTANCE; BUT IT IS NONETHELESS AN IMPORTANT REFLECTION OF THE MOOD OF THE SOCIETY. PROFOUND SOCIAL ISSUES ARE INVOLVED. THE GOAL OF "SECTARISTS" WHO RUN THE GOVERNMENT IS TO ENCOMPASS MODERATE ISLAMIC ELEMENTS WITHIN THE POLITICAL SYSTEM, UNDERCUTTING EXTREMISM WHILE PREVENTING THE ADOPTION OF THE COMPLETE IMPLEMENTATION OF SHARIA. THE ISLAMIC SIDE, WHICH INCLUDES THE MUSLIM BROTHERHOOD AND TO SOME EXTENT THE WAFD, PLUS MAINSTREAM MUSLIM LEADERS FROM AL-AZHAR AND THE MINISTRY OF AWQAF, HOPES TO USE THE DEMOCRATIC PROCESS TO BUILD UP AN IRREVERSIBLE MOMENTUM TOWARD SHARIA. BOTH SIDES AT PRESENT ARE KEEN TO MAINTAIN THE STABILITY OF EGYPTIAN SOCIETY, THOUGH MISMANAGEMENT OF THE SHARIA ISSUE COULD CREATE SERIOUS TENSIONS. END COMMENT.

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